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I	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
•	10/648,549	08/25/2003	Jon Claude Russell Bennett	D3056F	5165	
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l	SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVER	DELIVERY MODE	
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## Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary    Examiner   Clemence Han			Application	on No.	Applicant(s)			
Claim(s)   1-15 is/are pending in the application.   4a) Of the above claim(s)   is/are allowed.   is/are allowed.   10] Claim(s)   is/are allowed.   is/are allowed.   10] Claim(s)   is/are beneficial or is/are; is/are collected to by the Examiner.   10] Claim(s)		Office Action Summany	10/648,54	19				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Edecisions of the may be sevalable under the provides of 3 CPR 1.136(a). In an event, may a reply be finely find after 5X (6) MONTHS from the mailing date of this communication. If NO protection dray is specified above, the mainman staketory period will expire 5X (6) MONTHS from the mailing date of this communication. Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any exerted patent term diplustment. See 37 CFR 1.704(b).  Status  1) ☑ Responsive to communication(s) filed on 25 August 2003.  2a) ☐ This action is FINAL.  2b) ☑ This action is FINAL.  2b) ☑ This action is FINAL.  2b) ☑ This action is final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☑ Claim(s)1.15 is/are pending in the application.  4a) Of the above claim(s)is/are allowed.  5) ☐ Claim(s)is/are allowed.  6) ☑ Claim(s)is/are allowed.  6) ☑ Claim(s)is/are objected to.  8) ☐ Claim(s)is/are objected to estriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐		Office Action Summary	Examiner		Art Unit			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Exercisions of term may be available under the provisions of 37 CFR 1.13(a). In or overst, nowever, may a reply te timely filled.  - Exercisions of terms may be available under the provisions of 37 CFR 1.13(a). In or overst, nowever, may a reply te timely filled.  - Exercisions of terms may be available under the provisions of 37 CFR 1.13(a). In or overst, nowever, may a reply te timely filled or this communication of the provision of the			Clemence	Han	2616			
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.1369. In no event, however, may a reply be timely filed after SX (6) MONTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximum actuatory period will apply and will expire SX (6) MONTHS from the mailing date of this communication.  Any reply received by the Office later than these months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status  1) ☑ Responsive to communication(s) filed on 25 August 2003.  2a) ☑ This action is FINAL.  2b) ☑ This action is FINAL.  2b) ☑ This action is replaced with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☑ Claim(s) 1-15 is/are pending in the application.  4a) ② of the above claim(s) is/are withdrawn from consideration.  5) ☑ Claim(s) 1-15 is/are allowed.  6) ☑ Claim(s) is/are allowed.  6) ☑ Claim(s) is/are objected to.  8) ☑ Claim(s) is/are rejected.  7) ☑ Claim(s) is/are objected to.  8) ☑ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on is/are: allowed.  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☑ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3. ☐ Objected to Declare of the priority documents have been received in Application No 1. ☐ Certified copies of the priority documents have			ion appears on the	cover sheet with the c	orrespondence address	s		
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a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Priority u	inder 35 U.S.C. § 119						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date.	<ul> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>							
3)   Information Disclosure Statements) (PTO/SB/08)	1) 🔀 Notic 2) 🔲 Notic	e of References Cited (PTO-892)	948)	Paper No(s)/Mail Da	ate			
Paper No(s)/Mail Date 6) Other:				· <b>—</b>				

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## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- 2. Claim 1-15 are rejected under 35 U.S.C. 102(a) as being anticipated by McGregor (IPMP draft-mcgregor-ipmp-00.txt).

Regarding claim 1, 6 and 11, McGregor teaches a method for performing a measurement in a network comprising: creating an Internet Protocol Measurement Protocol (IPMP) packet by a measurement host; including in the IPMP packet instructions for a recipient of the IPMP packet (3.1 in page 10), said instructions including an instruction to a recipient to insert any additional data desired by the recipient in the IPMP packet when forwarding the IPMP packet (optional Performance Data in Page 6).

Regarding claim 2, 7 and 12, McGregor teaches encapsulating the IPMP packet in an Internet Protocol (IP) datagram and a predetermined link layer protocol (3.1 in page 10).

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Regarding claim 3, 8 and 13, McGregor teaches sending the IPMP packet into the network from the measurement host (3.1 in page 10).

Regarding claim 4, 9 and 14, McGregor teaches the additional data includes traffic levels (optional Performance Data in Page 6 and the last paragraph in page 2).

Regarding claim 5, 10 and 15, McGregor teaches the additional data includes environmental data, weather data or other information that may impact communications link performance (optional Performance Data in Page 6 and the last paragraph in page 2).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.H.

Clemence Han Examiner Art Unit 2616

STEVEN NGUYEN
PRIMARY EXAMINER